

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

JAMES D. SULLIVAN and LESLIE
ADDISON, WILLIAM S. SUMNER, JR.,
and RONALD S. HAUSTHOR,
individually, and on behalf of a
Class of persons similarly situated,
Plaintiffs,

v.

SAINT-GOBAIN PERFORMANCE
PLASTICS CORPORATION,
Defendant.

Civil Action No. 5:16-cv-000125-GWC

Pursuant to Rule 45(a)(4) of the Federal Rules of Civil Procedure, Plaintiffs hereby give notice of the issuance of the subpoena attached hereto, to be issued to:

CT Male Associates
Records Custodian
50 Century Hill Drive
Latham, NY 12110

Respectfully submitted this 25th day of May, 2017.

/s/ Douglas A. Ruley
Douglas A. Ruley
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(*Pro Hac Vice*)
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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that this 25th day of May, 2017, I have served the foregoing document on Defendant by emailing a true and exact copy to Defendant's counsel as follows:

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/s/ Douglas A. Ruley
Douglas A. Ruley
Attorney for Plaintiffs

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Vermont

James, D. Sullivan, et al.,

Plaintiff

v.

Saint-Goban Performance Plastics Corporation

Defendant

Civil Action No. 5:16-cv-125

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: CT Male Associates, records custodian, 50 Century Hill Drive, Latham, NY 12110

(Name of person to whom this subpoena is directed)

☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Exhibit A attached hereto

Place: Barr, Sternberg, Moss, Silver & Munson
507 Main Street
Bennington, VT 05201

Date and Time:

06/14/2017 8:00 am

☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

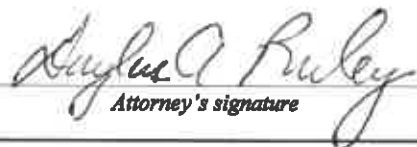
The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 05/25/2017

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk



Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) James Sullivan, Leslie Addison, et al., who issues or requests this subpoena, are: Douglas Ruley, Davis & Whitlock, 21 Battery Park Ave., Asheville, NC, 2881, (828) 622-0044, druley@enviroattorney.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 5:16-cv-125

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any) _____
on (date) _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on (date) _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$. _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

EXHIBIT A

DEFINITIONS

A. The terms “communication” or “communications” mean any contact or act by which information or knowledge is transmitted or conveyed between two or more persons and includes, without limitation: written contacts (whether by letter, e-mail, memorandum, telefax, or other document or method) and oral contacts (whether by face-to-face meeting, telephone conversations, voicemail or otherwise).

B. The term “Defendant” means Saint-Gobain Performance Plastics, Inc., and its predecessors ChemFab Corporation and Chemical Fabrics Corporation.

C. The terms “document” or “documents” as used herein is to be construed broadly and shall mean any medium upon which intelligence or information can be recorded or retrieved, and includes, without limitation, the original and each copy, regardless of the origin or location of any book, pamphlet, periodical, letter, e-mail, memorandum (including memoranda, notes or reports of a meeting or conversation), agreements, communications, correspondence, telefax, records, summaries of records or personal conversations or interviews, desk calendars, appointment books, diaries, journals, forecasts, statistical statements, tabulations, accountants’ work papers, graphs, charts, accounts, analytical records, affidavits, minutes, records or summaries of meetings or conferences, reports or summaries of interviews or telephone conversations, reports of summaries of investigations, opinions or reports of consultants, appraisals, records, reports, press releases, contracts, notes projections, drafts of any documents, working papers, sound recordings, data processing records, microfilm, photographs, maps, charts, or any other written, typed, recorded, transcribed, punched, taped, filmed, electronically transmitted or graphic matter,

however produced or reproduced, which is in your possession, custody or control or which has been, but is no longer in your possession, custody, or control.

D. The term "PFOA" means perfluorooctanoic acid and its ammonium salt, ammonium perfluorooctanoate.

E. The terms "refer to," "referring to," "relate to," relating to," "pertain to" or "pertaining to," with respect to any given subject, any document, communication or statement that constitutes, contains, embodies, evidences, reflects, identifies, shows, states, analyzes, supports, refutes, refers to, deals with, arises from, is connected with, responds to, or is in any manner whatsoever pertinent to the subject.

F. The terms "plants in Bennington and North Bennington" mean the plant on Northside Drive in Bennington, Vermont, operated by Chemical Fabrics Corporation or ChemFab Corporation, and the plant at 1030 Water Street in North Bennington, Vermont, operated by ChemFab Corporation and Saint-Gobain Performance Plastics, Inc.

G. The terms "and" and "or" shall be construed either disjunctively or conjunctively whenever appropriate to bring within the scope of the Interrogatory or Request information or documents which might otherwise be considered to be beyond its scope.

H. The singular form of a word shall be interpreted as plural and the plural form of a word shall be interpreted as singular whenever appropriate in order to bring within the scope of the Interrogatory or Request any documents which might otherwise be considered beyond its scope.

DOCUMENT REQUESTS

1. All documents pertaining to any studies, analyses, data compilations, or summaries of PFOA use and PFOA air emissions by the plants in Bennington and North Bennington, including, but not limited to, reports, memoranda, correspondence, field notes, and photographs;
2. All documents pertaining to any site assessments of the plants in Bennington and North Bennington, including, but not limited to, any conceptual site models, reports, memoranda, analytical results, correspondence and photographs;
3. All documents pertaining to any projects concerning PFOA use by and PFOA releases from the plants in Bennington and North Bennington, including, but not limited to, any and all investigations of PFOA use at those plants, PFOA emissions, discharges, or releases from those plants, and PFOA contamination of soils, water, or groundwater in Bennington, Vermont, and North Bennington, Vermont.